

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC,

Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Defendants.

15 Civ. 5345 (AJN) (KHP)

DECLARATION OF MATTHEW L. SCHWARTZ

MATTHEW L. SCHWARTZ, pursuant to 28 U.S.C. § 1746, declares the following
under penalty of perjury:

1. I am an attorney licensed to practice law in the State of New York and before the United States District Court for the Southern District of New York. I am a partner in the law firm of Boies Schiller Flexner LLP (“BSF”), counsel for Plaintiffs BTA Bank and the City of Almaty, Kazakhstan (the “Kazakh Entities”) in the above-referenced action.

2. On October 11, 2017, defendants Ilyas and Viktor Khrapunov (the “Khrapunovs”) and Triadou SPV S.A. took the deposition of Kenges Rakishev.

3. I defended Mr. Rakishev’s deposition.

4. During the deposition, I provisionally designated the entire deposition transcript and recording as confidential under the Stipulated Protective Order, subject to later targeted de-designations as appropriate.

5. On October 17, 2017, I received a copy of Mr. Rakishev's entire final deposition transcript (the "Transcript") by e-mail from John Curley, of Hoguet, Newman, Regal & Kenney, LLP, counsel to defendants Ilyas & Viktor Khrapunov. In addition, on October 20, 2017, I received a copy of the Transcript from Mike Cline of Magna Legal Services. I have also had access to the Transcript in a restricted folder on BSF's servers.

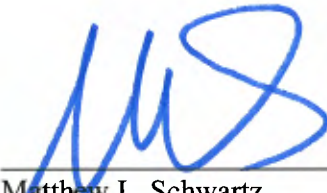
6. To the best of my knowledge, only the following individuals at BSF received or had access to the Transcript:

- i. Matthew Schwartz
- ii. Peter Skinner
- iii. Randall Jackson
- iv. Daniel Boyle
- v. Craig Wenner
- vi. Nameer Shukri
- vii. Elise Milne
- viii. Jake Eisland
- ix. Sophie Roytblat
- x. Abigail Tudor
- xi. Lilly Cruz
- xii. Ernesto Castillo

7. I previously submitted a Declaration regarding this matter dated October 30, 2017, and the testimony in that declaration remains true to the best of my knowledge. A true and correct copy of that declaration is attached as Exhibit A, and is incorporated herein.

8. I have not sent, transferred, or provided access to the Transcript to anyone outside of BSF. To the best of my knowledge, no one at BSF has distributed the Transcript to anyone outside of BSF, including to our clients.

Dated: New York, New York
November 17 2017


Matthew L. Schwartz